REMARKS

Claims 3-7 are pending.

Claim 3 has been amended to clarify the expression and correct a spelling error. The applicants respectfully submit that no new matter has been added.

The applicants' attorney appreciates the telephone conversation with the Examiner on July 27, 2007.

The rejection of amended claim 7 under 35USC103(a) as being unpatentable over Yanagisawa et al. (FEBS Letters, 1997; 420: 43-46), in view of US Patent No. 5,530,101 to Queen et al., 25 June 1996 and Webber et al. (Mol Immunol, 1995; 32(4):249-258) is maintained for reasons of record (see previous office action mailed 08/03/2006) and is further applied to amended claims 3-6 for the reasons stated in the Office Action. (Office Action, p.4)

First, Claim 7 recites an antibody being a humanized IgG antibody or a humanized antigen binding fragment, Fab. It is important to note that utility or activity of IgG antibody and Fab fragment was expermentally ascertained. Examples in the instant application pertain to the utility of the IgG antibody. The enclosed paper, Yamamoto, N. et al. "Suppression of Aβ deposition in brain by peripheral administration of Fab fragments of anti-seed antibody" dated July 29, 2005, reports the results of the experiments using Fab fragment.

Second, the rejection states at the bottom of p.5 of the Office Action that the 4396 antibody of Yanagisawa et al. would inherently comprise all of the heavy and light chain CDR's (SEQ ID Nos: 1-6) instantly claimed. Therefore, according to the rejection, antibody binding fragments and single chain antibodies derived from the humanized version of the 4396 antibody of instant claim 7 would still be obvious in view of the combined teachings of all the references.

The applicants assert that since a third party could not have access to the subject antibody of Yanagisawa et al., at least for the purpose of sequencing it, the combination of references does not make obvious the invention now claimed. Without the actual bio-sample of Yanagisawa et al., the reference itself, or the mere name of the antibody, does not provide enough disclosure to make it.

In addition to the response and Declaration previously filed, the applicants offer additional showings that the antibody disclosed in Yanagisawa et al. was not available and therefore the rejection based on the alleged availability of the antibody from Yanagisawa et al. in combination with Queen and Webber must fail.

(1) First, in general, availability of an antibody itself is not enough to identify the amino acid sequence of the antibody. In other words, for the purpose of sequencing, a hybridoma which produces the antibody is essential, as explained in the May 16, 2007 Declaration.

(2) As the Examiner asserted in the July 27, 2007 telephone conversation, recently, some

journals seem to require making bio-materials available upon request as one of the conditions for acceptance. However, the authors were not required to make the subject antibody 4396 or hybridoma producing it be made available at the time of acceptance of the paper. In fact, "Notes to Authors" provided from *FEBS Letters* when submitting the paper, a copy of which is herein attached, does not refer to any obligations of providing subject biomaterials.

Therefore the applicants assert that, lacking the hybridoma that produced antibody 4396, the mere combination of a disclosure like Yanagisawa with Queen and Webber is not enough to make obvious the invention now claimed.

Logically, the combination of the three references falls short of disclosing or even suggesting a recombinant antibody being IgG or Fab comprising: a heavy chain variable region, and a light chain variable region; wherein the heavy chain variable region comprises complementarity determining regions (CDRs) described in g), h) and i), and the light chain variable region comprises CDRs described in j), k) and l) of claim 3.

Claims 3-7, as amended, are rejected under 35USC103(a) as being unpatentable over Yanagisawa et al. (FEBS Letters, 1997; 420: 43-46), in view of US Patent No. 5,530,101 to Queen et al., 25 June 1996 and Webber et al. (Mol Immunol, 1995; 32(4):249-258) as

discussed above, and further in view of EP0620276 A1 by Adair et al., published October 19, 1994. (Office Action, p.8)

This rejection fails for the same reasons stated above. In view of the aforementioned amendments and accompanying remarks, claims 3-7, as amended, are in condition for allowance, which action, at an early date, is requested.

The Commissioner is requested to grant any necessary extension of time for this response, if such extension of time is required. The Commissioner is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 04-1105.

Respectfully submitted,

September 7, 2007

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Encls: Yamamoto, N. et al. "Suppression of Aβ deposition in brain ..." (3 pages)

FEBS Letters Notes to Authors (2 pages)